HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.23181, 23214 and 23232 of 2006

Dated:08.11.2006

Between:

Dhatla Lakshmanakumar Raju, and others.

…Petitioners

and

The Mandal Revenue Officer.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.23181, 23214 and 23232 of 2006

COMMON ORDER:

These three Writ Petitions can be disposed of by a common order as they arise under the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), in the context of a notice under Section 7 of the Act issued to the father and his two sons.

W.P.No.23214 of 2006 is filed by the father and W.P.Nos.23232 and 23181 of 2006 are filed by the first and second sons respectively.

It is the case of the petitioners that they purchased land admeasuring Acs.25.03 guntas in Survey No.853 situated at Ramanujavaram Village of Manuguru Mandal in Khammam District, from Budda Raju Suryanarayana Raju under registered sale deeds in 1965, and they are being in possession and cultivation of the land. They state that in 1988 and 2005, the respondent issued notices under Section 7 of the Act, but after considering the explanations submitted by the petitioners, further action was dropped. Again the respondent issued notices on 26.10.2006 proposing to evict the petitioners under the Act. In these Writ Petitions notices issued under Section 7 of the Act are assailed.

Learned Counsel for the petitioners submits that the land in possession of the petitioners is a private land and does not belong to

the Government. He would further submit that earlier on two occasions though action was initiated under the Act, after considering the representations/explanations submitted by the petitioners, the respondent dropped further action, and therefore, again issuing notices under Section 7 of the Act is arbitrary and illegal. The Writ Petitions are opposed by the learned Assistant Government Pleader, *inter alia*, submitting that at the stage of show cause notice, a Writ Petition would not lie.

The petitioners statedly received the impugned notices, dated 26.10.2006, on 29.10.2006. By the impugned notices, they were given fifteen days time to submit explanations. The petitioners have not so far submitted explanations. As it is axiomatic that against a notice, a Writ Petition would not lie, this Court is not inclined to accept these Writ Petitions. The petitioners are given liberty to file detailed explanations along with all the necessary documents to the Mandal Revenue Officer, who is directed to consider all the explanations and pass appropriate orders under Section 6 of the Act. Till appropriate orders are passed by the Mandal Revenue Officer after considering the explanations submitted by the petitioners, there shall be *status quo* as on today.

The Writ Petitions, with the above observations and directions, are accordingly disposed of. No costs.

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(V.V.S.RAO, J)

08.11.2006

Note: Issue C.C by 10.11.2006.

B/o.

vs